

ANALYSIS OF THE DURATION OF MATERNITY LEAVE RIGHTS FOR FEMALE WORKERS IN REGULATIONS (COMPARATIVE STUDY OF INDONESIA-FRANCE)

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Abstract

This research analyzes the protection of maternity leave for female workers through a comparative study between Indonesia and France. This study is motivated by the non-ideal duration of maternity leave for female workers in Indonesia, which is deemed insufficient to fulfill health needs, physical recovery, as well as maternal and child welfare. The research method used is normative legal research with a statute approach, a conceptual approach, and a comparative approach. The technique for collecting legal materials is conducted through a literature review, which is subsequently analyzed using a prescriptive method. The results indicate a structural gap between Indonesia and France. Indonesia, as a developing country, still applies a maternity leave duration that falls below the minimum standard specified by the ILO Convention No. 183 of 2000. Meanwhile, France, as a welfare state, implements the Code du Travail system with a longer, more flexible maternity leave duration that varies based on the number of children or multiple birth conditions. This comparison demonstrates that the lack of an optimal and ideal maternity leave duration adversely affects the recovery period of working mothers and their children. Therefore, legal reform is required in Indonesia to comprehensively regulate a more ideal duration of maternity leave and optimal health protection for female workers in order to create a safe working environment.

Keywords : *Maternity Leave; Female Workers Rights; Maternal and Child Welfare*

INTRODUCTION

Women's participation in the modern workforce exhibits complex dynamics, where the fulfillment of reproductive rights often clashes with the demands of industrial productivity. In Indonesia, the female Labor Force Participation Rate (LFPR) has stagnated at around 50% for the past three decades, far behind the male LFPR, which is above 80%. (Widiastuty, 2018) . This phenomenon occurs amidst the growth of the manufacturing industry sector, which increasingly absorbs female labor, as recorded in the continuing increase in national GDP contributions and the surge in the proportion of female workers in industrial areas. Consequently, the state is obliged to intervene in regulations to ensure gender equality that is sensitive to the basic rights of female workers (Milawati et al., 2023) . Women's participation in the workforce still requires adequate legal protection, especially because women have reproductive functions that are biologically different from men. One very important form of protection is the right to maternity leave, as this right is related to maternal health, child safety, and the sustainability of female workers' careers.

Normatively, protection for female workers in Indonesia has been regulated in various laws and regulations. Article 82 of Law Number 13 of 2003 concerning Manpower provides the right to 3 months of maternity leave for female workers, namely 1.5 months before giving birth and 1.5 months after giving birth. In addition, Law Number 4 of 2024 concerning the Welfare of Mothers and Children in the First 1,000 Days of Life also emphasizes the

importance of the principle of gender equality and protection for working mothers. This step is in line with the international commitment in Article 11 of *the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) which ratifies the right to work as an inalienable right for every human being (Alya Putri Abi, 2024) . In addition, *the International Labor Organization* (ILO) through Convention No. 183 of 2000 has set a minimum standard for maternity leave of 14 weeks (International Labour Organization, 2000). However, in practice, maternity leave protection in Indonesia still faces various challenges, such as suboptimal oversight, weak implementation, and persistent discrimination against female workers who are pregnant or on leave. This situation indicates that normative regulations have not fully guaranteed real protection for female workers (Setyaningrum et al., 2025).

This issue becomes even more important when linked to women's biological needs after childbirth. The postpartum period *requires* comprehensive physical and psychological recovery (Whitney et al., 2023) . During this period, mothers need time to recover their bodies, adjust their hormones, and carry out the process of breastfeeding and baby care. If the leave period is too short, the risk of fatigue, health problems, and obstacles to exclusive breastfeeding will increase (Nur Fadhila, Fikha Ruhana, 2023) . Insufficient leave duration is directly correlated with a high risk of mental disorders such as *postpartum blues* and postpartum depression, which ultimately contribute to the high Maternal Mortality Rate (MMR) and the lack of optimization of exclusive breastfeeding (Fitri & Suprihatin, 2023) . Therefore, the regulation of maternity leave cannot be viewed solely as an administrative right of workers, but rather as part of protecting the health and well-being of mothers and children. Empirical reality in Indonesia shows a sharp structural gap between legal norms and field implementation. The right to maternity leave is regulated in Article 82 of Law No. 13 of 2003 concerning Employment, which provides for three months of paid leave, often poses a challenge for female workers. *Employer liability schemes* that impose full leave pay on employers trigger practical discrimination. One real-life case occurred in late 2023, where a female employee at a beauty company (WRP) was unilaterally terminated after applying for maternity leave while seven months pregnant. (Indonesia, 2023) . This phenomenon demonstrates the vulnerable position of female workers, particularly contract workers (PKWT), who are considered a "cost burden" on reproduction by companies due to weak labor oversight.

In the international context, the right to maternity leave has also become a significant concern. ILO Convention No. 183 of 2000 affirms that female workers are entitled to at least 14 weeks of maternity leave. This standard demonstrates global recognition that maternity protection is part of women workers' human rights. Compared to this standard, regulations in Indonesia remain controversial, particularly when linked to the recovery needs of working mothers and the state's responsibility to ensure adequate employment protection. This is an important reason why research on maternity leave needs to be further examined, not only in terms of written regulations, but also in terms of their effectiveness and compliance with international protection standards.

France was chosen as a comparison country because it has more detailed, flexible maternity leave regulations, supported by a strong social protection system, making it relevant for comparison with Indonesia in research on maternity leave rights for female workers. Maternity leave regulations in France are contained in *the Code du travail* , specifically *Article L1225-17* , which states that female workers are entitled to 16 weeks of maternity leave, namely 6 weeks before the estimated date of delivery and 10 weeks after delivery. This article also provides room for flexibility, as the pre-natal leave period can be reduced by a maximum of 3 weeks at the worker's request with the approval of a health professional, and this reduction automatically increases the post-natal leave period by the same amount. Furthermore, longer

leave variations are regulated in *Article L1225-18*, which stipulates that in the event of multiple births or births with a certain number of children, the maternity leave period can be extended, for example to 26 weeks for a third child, 34 weeks for multiple births, and 46 weeks for the birth of three or more children. Furthermore, maternity leave protection in France is not only based on employment regulations but is also supported by a strong social security system. This model demonstrates that the state can play an active role in guaranteeing women workers' rights without completely placing the burden of protection on employers. This comparison is important to assess the extent to which Indonesia can learn from more mature systems in protecting women workers (Amantea et al., 2025).

Based on this background, there is a lack of clarity regarding the right to maternity leave for female workers in Indonesia. This ambiguity arises from the differences in regulations between Law No. 13 of 2003 concerning Manpower and Law No. 4 of 2024 concerning the Welfare of Mothers and Children. On the one hand, Law No. 13 of 2003 concerning Manpower regulates maternity leave for 1.5 months before and 1.5 months after delivery. The provision in Law No. 13 of 2003 concerning Manpower, which stipulates a 3-month maternity leave, is considered inadequate to meet the health, physical recovery, and welfare needs of mothers and children. Meanwhile, the 2024 KIA Law opens the possibility of extending maternity leave to 6 months under "special circumstances" with a doctor's certificate. This difference raises questions about the legal certainty of the implementation of maternity leave rights for female workers, especially when the new provisions are not yet fully understood and implemented uniformly by employers and workers.

Based on the background of the problem, the author formulated 2 problems, namely: 1. How does the comparison of maternity leave protection for female workers in Indonesian legislation compare with maternity leave protection in France?; 2. What is the urgency of legal regulations regarding maternity leave protection for female workers in Indonesian legislation to guarantee the health of working mothers?

METHODS

This study uses a normative legal research method, because the focus of the study is based on the differences in regulations and the ambiguity of norms regarding maternity leave rights for female workers in Indonesia. The approach used in this study uses a statute approach, a conceptual approach, and a comparative approach. The technique for collecting legal materials in this study is carried out through library research, namely by using library study techniques for books, journals, articles, theses, or works from experts related to the research being conducted (Nasution, 2018). The analysis of legal materials in this study is carried out using a prescriptive method. The prescriptive method in legal research aims to formulate normative recommendations regarding what should be done in order to resolve the legal problems being studied, based on an analysis of applicable legal norms, principles, and practices.

RESULTS AND DISCUSSION

1. Comparison of maternity leave protection arrangements for female workers in Indonesia and France

a. Protection of Maternity Leave for Female Workers in Indonesian Law

Conceptually, leave is a constitutional right for workers for temporary or specific absences, accompanied by a statement from the worker concerned. In the context of labor law, leave is not a reward but a normative right that aims to maintain the dignity and health of workers. The urgency of maternity leave *has* a crucial dimension because it is directly related to the right to life and reproductive

health rights (Addati et al., 2014) . Biologically, maternity leave is very necessary to restore the physical condition of the mother after a difficult delivery and ensure the fulfillment of the baby's right to exclusive breast milk (ASI) and optimal *bonding* . Without adequate leave guarantees, female workers will be faced with a dilemma between maintaining economic survival or maintaining the health and safety of themselves and their children (H, 2025) .

Legal and social experts emphasize that protection for pregnant women is a key pillar of social justice. According to Sendjun H. Manulang (Manulang, 2001), labor law must be protective (*beschermend*) to safeguard workers' weaker positions vis-à-vis companies. In this context, maternity leave serves as a protective instrument for "reproductive function" so that it does not become an obstacle to a female worker's "economic function." In line with this, the philosophy of labor law emphasizes that the state must intervene to ensure that the human regeneration process is not disrupted by the demands of a rigid labor market.

The urgency of maternity leave protection is becoming increasingly apparent given that women bear a double burden *in* the social structure (Swarsono et al., 2025) . Therefore, protection for female workers, especially regarding the right to maternity leave, is an important component of the labor law system that aims to ensure welfare and justice in the workplace. In Indonesia, guarantees regarding maternity leave have been formally accommodated through Article 82 of Law No. 13 of 2003 concerning Manpower, which provides a duration of maternity leave of 1.5 months before childbirth and 1.5 months after childbirth. This protection is then strengthened through Article 153 paragraph (1) letter e of Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which states that employers are prohibited from laying off workers/laborers for the reasons "...e. female workers/laborers are pregnant. Giving birth, miscarrying, or breastfeeding their babies...". This article explicitly prohibits employers from terminating female workers for the stated reasons. However, the effectiveness of this regulation is often questioned in practice. Protection for female workers, particularly regarding the right to maternity leave, is a crucial component of the labor law system, which aims to ensure welfare and fairness in the workplace. Indonesia, as a country that adheres to a *civil law system* , places statutory regulations as the primary source of law for regulating various aspects of life, including employment (Gozali, 2020) .

The latest development in the protection of maternity rights in Indonesia is marked by the ratification of the 2024 KIA Law. This law brings changes to the regulation of maternity leave by providing the possibility of extending the duration of leave to a maximum of 6 (six) months. Based on Article 4 paragraph (3) of the 2024 KIA Law, it explains that "In addition to the rights referred to in paragraph (1) and paragraph (2), every working mother has the right to receive: a. Maternity leave with the following provisions: 1. At least the first 3 (three) months; and 2. At most the next 3 (three) months if there are special conditions proven by a doctor's certificate." Based on Article 4 paragraph (3) of the 2024 KIA Law, it shows that there are efforts to strengthen protection for maternal and child health, even though its implementation is still conditional and does not apply universally to all female workers. The presence of the 2024 KIA Law is a response to various criticisms that say that the duration of maternity leave for 3 (three) months is inadequate to support optimal recovery for mothers and provide the best care for

babies in the early stages of their lives. In addition, regulations regarding wages during the extended leave period are also specifically regulated in the 2024 KIA Law. Article 5 paragraph (2) of the 2024 KIA Law explains that "(2) Every mother who exercises the rights as referred to in Article 4 paragraph (3) letter a is entitled to receive wages: a. in full for the first 3 (three) months; b. in full for the fourth month; and c. 75% (seventy-five percent) of wages for the fifth and sixth months." This different wage scheme is an effort to balance the protection of the economic rights of female workers with consideration of the financial burden that must be borne by employers. However, this provision has sparked debate regarding the principle of fairness, particularly regarding which party should bear the burden of financing longer maternity leave. (Achidsti, 2024) .

The implementation of maternity leave provisions in Indonesia faces various challenges stemming from the gap between legal norms and actual practice. Although laws and regulations provide fairly comprehensive guarantees, practices that disadvantage female workers in various industrial sectors remain. This research shows that some companies still implement clauses in employment contracts that require female workers to voluntarily resign during pregnancy. Another implementation challenge relates to limited labor inspection. The disproportionate number of labor inspectors compared to the number of companies to be monitored means that violations of maternity rights often go undetected or are not properly followed up. The Manpower Law does stipulate criminal sanctions and fines for employers who violate maternity leave provisions, but the effectiveness of enforcing these sanctions remains questionable. This situation requires strengthening the capacity of labor inspection institutions and increasing legal awareness among female workers regarding their rights (Pangestika, 2024) .

In the context of the 2024 Child and Child Protection Law, criticism has emerged regarding the lack of legal certainty regarding the granting of extended maternity leave rights. Several academics believe that the provisions regarding special conditions that constitute a prerequisite for extending leave to six months are too abstract and open to wide interpretation. This has the potential to create uncertainty and ambiguity in practice, with employers having varying standards for assessing whether certain conditions meet the criteria for special conditions as defined in the law.

b. Protection of Maternity Leave Regulations for Female Workers in French Law

France has long been known globally as a welfare *state* . (*l'État-providence*) established. This concept places the government in a central position in ensuring the welfare of its citizens through a comprehensive social protection system. As a *welfare state* , France believes that any social risk, including life transitions such as the arrival of a child in a family, should not burden individuals financially or professionally. Therefore, public policy in France is designed to provide a strong safety net to maintain the quality of life of its citizens, which is funded directly through a tax system and social contributions managed collectively by the state (Palier, 2025) .

The implementation of *the welfare state* is very evident in French employment policy, which strongly favors the protection of workers' rights, particularly for women workers. France recognizes the necessity of state intervention to create a work *-life balance* and population stability. This is done not simply as a means of

granting women rights, but as a long-term investment by the state in maintaining social resilience. In this regard, the right to maternity leave is seen as a fundamental protection instrument to ensure that a mother can fulfill her reproductive role without sacrificing career security or economic stability.

The main provisions regarding the protection of pregnant women and the right to maternity leave in France are detailed in the French *Code du Travail* (Labor Code). Its main basis begins with *Article L1225-17*, which states:

"La salariée a le droit de bénéficier d'un congé de maternité pendant une période qui commence six semaines avant la date présumée de l'accouchement et se termine dix semaines après la date de celui-ci. A la demande de la salariée et sous réserve d'un avis favorable du professionnel de santé qui suit la grossesse, la période de suspension du contrat de travail qui commence avant la date présumée de l'accouchement peut être réduite d'une durée maximale de trois semaines. La période présumée de l'accouchement est alors augmentée d'autant. Lorsque la salariée a reporté après la naissance de l'enfant une partie du congé de maternité et qu'elle se voit prescrire un arrêt de travail pendant la période antérieure à la date présumée de l'accouchement, ce report est annulé et la période de suspension du contrat de travail est décomptée à partir du premier jour de l'arrêt de travail. La période initialement reportée est réduite d'autant."

Translated into English, it reads:

"Employees are entitled to maternity leave for a period beginning six weeks before the expected date of delivery and ending ten weeks after the date of delivery. At the employee's request and with the consent of the health professional monitoring the pregnancy, the period of suspension of the employment contract that begins before the expected date of delivery may be reduced by a maximum of three weeks. The period after the expected date of delivery is then extended by the same amount. If an employee has postponed part of her maternity leave until after the birth of the child and is then prescribed sick leave during the period before the expected date of delivery, this postponement is cancelled, and the period of suspension of the employment contract is calculated from the first day of sick leave. The initial postponement period is reduced accordingly."

Article L1225-17 establishes the basic right of female workers to maternity leave, with a duration starting six weeks before the date of delivery and ending ten weeks after the date of delivery. Unlike other countries, France has a progressive maternity leave duration, varying according to the number of children born. Based on *Article L1225-18* *The Code du Travail* states that:

"Lorsque des naissances multiples sont prévues, la période de congé de maternité varie dans les conditions suivantes : 1° Pour la naissance de deux enfants, cette période commencée douze semaines avant la date présumée de l'accouchement et se termine vingt-deux semaines après la date de l'accouchement. La période de suspension antérieure à la date présumée de l'accouchement peut être augmentée d'une durée maximale de quatre semaines. La période de vingt-deux semaines postérieure à l'accouchement est alors réduite d'autant ; 2° Pour la naissance de trois enfants ou plus, cette période commence vingt-quatre semaines avant la date présumée de l'accouchement et se termine vingt-deux semaines après la date de l'accouchement."

Translated into English, it reads:

“If multiple births are expected, the period of maternity leave varies as follows:
1. For the birth of two children, this period begins twelve weeks before the expected date of birth and ends twenty-two weeks after the date of birth. The period of leave before the expected date of birth may be extended to a maximum of four weeks. The period of twenty-two weeks after birth is then reduced accordingly; and, 2. For the birth of three or more children, this period begins twenty-four weeks before the expected date of birth and ends twenty-two weeks after the date of birth.”

The article explains that for the birth of two children, the maternity leave period for working mothers begins 12 weeks before the estimated date of delivery and ends 20 weeks after the estimated date of delivery. For the birth of three or more children, the maternity leave period begins 24 weeks before the estimated date and ends 20 weeks after delivery. Furthermore, the French legal system has a unique characteristic in providing protection for female workers. This is evident in the flexibility of the leave duration regulated in *Article L1225-19 of the Code du Travail*. This article is an implementing instrument for the rights stipulated in *Article L1225-18*, especially for mothers giving birth to their third or more children. *Article L1225-19* explains that:

“Lorsque, avant l'accouchement, la salariée elle-même ou le foyer assume déjà la charge de deux enfants au moins ou lorsque la salariée a déjà mis au monde au moins deux enfants nés viables, le congé de maternité commence huit semaines avant la date présumée de l'accouchement et se termine dix-huit semaines après la date de celui-ci. réduite d'une durée maximale de trois semaines. La période postérieure à la date présumée de l'accouchement est alors augmentée d'autant. Lorsque la salariée a reporté après la naissance de l'enfant une partie du congé de maternité et qu'elle se voit prescrire un arrêt de travail pendant la période antérieure à la date présumée de l'accouchement, ce report est annulé et la période de suspension du contrat de travail est décomptée à partir du premier jour de l'arrêt de travail. La période initialement reportée est réduite d'autant. La période de huit semaines de congé de maternité antérieure à la date présumée de l'accouchement peut être augmentée d'une durée maximale de deux semaines. La période de dix-huit semaines postérieure à la date de l'accouchement est alors réduite d'autant.”

Translated into English, it reads:

“When, before giving birth, the employee herself or the household already bears responsibility for at least two children or when the employee has given birth to at least two viable children, maternity leave begins eight weeks before the expected date of birth and ends eighteen weeks after the date of birth. At the employee's request and subject to a favorable opinion from a health professional after pregnancy, the period of suspension of the employment contract that began before the expected date of birth may be reduced by a maximum of three weeks. The period after the expected date of birth is then increased in the same manner. When the employee has postponed part of her maternity leave after the birth of a child and she is prescribed a cessation of work during the period before the expected date of birth, this postponement is canceled and the period of suspension of the employment contract is calculated from the first day of cessation of work. The period initially postponed is reduced by this. The eight-week period of maternity leave before the expected date of birth may be increased by a maximum

of two weeks. The eighteen-week period after the date of birth is then reduced accordingly.”

Article L1225-19 grants female workers the autonomy to modify their maternity leave based on personal needs and medical advice. For example, a female worker is permitted to reduce her prenatal leave to just five weeks, allowing her to save the remaining time to extend her postnatal period by two weeks.

Protection for female workers in France is strengthened by the synchronization of labor law with strict public health standards. The right to leave work for a medical examination, guaranteed in *Article L1225-16 of the Code du Travail*, refers specifically to *Article L2122-1 of the Code de la Public health*. In its technical regulations, *Article R2122-1* states:

"Les examens médicaux obligatoires des femmes enceintes prévus à Prévisualiser : Code de la santé publique - art. L2122-1 (V) l'article L. 2122-1 sont au nombre de sept pour une grossesse évoluant jusqu'à son terme. Le premier examen médical prénatal doit avoir lieu avant la fin du troisième mois de grossesse.

Translated into English, it reads:

“The mandatory medical examinations of pregnant women regulated in Preview: Public Health Code - art. L2122-1 (V) Article L. 2122-1 are seven for pregnancies continuing to term. The first prenatal medical examination must be carried out before the end of the third month of pregnancy. The other examinations must be carried out monthly from the first day of the fourth month until delivery.” The article explains that the state stipulates that every normal pregnancy must undergo seven *prenatal medical examinations*. France's commitment to providing sustainable economic protection is clearly visible in the compensation scheme of *the congé de naissance policy* which will come into effect in 2026. Based on technical information released by *L'Assurance Maladie* (Ameli.fr, 2025) the allowance for additional leave is designed with a proportional system, namely 70% of the previous net salary and the second month is 60% of the previous net salary in the second month.

This more adaptive arrangement demonstrates that maternity leave protection in France emphasizes not only the duration of the leave but also adapts it to the biological conditions and recovery needs of working mothers. With a more flexible, longer maternity leave policy in France, supported by a robust social security system, protection for female workers is understood not only as a normative right but also as a concrete form of state responsibility in ensuring the health of mothers and children. This protection model demonstrates that maternity leave can be regulated more adaptively to the biological and social conditions of female workers. Therefore, the French arrangement can serve as an important comparison to assess the extent to which similar protection can be strengthened in the Indonesian legal system, particularly to ensure that the right to maternity leave truly provides legal certainty, health protection, and a sense of security for female workers.

c. Comparison table between Indonesia and France

Table 1.1 Comparison Table

Aspect	Indonesia	French	Notes
Legal System	<i>Civil Law</i>	<i>Civil Law</i>	Both countries have the same legal

			system, making it possible to take a comparative approach through legal functionalism.
Standard leave duration	Article 82 of Law No. 13 of 2003 concerning Manpower regulates maternity leave with a duration of 3 months (1.5 months before delivery & 1.5 months post-delivery)	<i>Article L1225-17 of the Code du Travail</i> regulates maternity leave in France with a duration of 16 weeks (6 weeks before delivery & 10 weeks post-delivery)	The basic duration of maternity leave in France is longer and increases significantly according to the number of children.
Flexibility of leave	Stiff (Only regulated based on medical recommendation)	Flexible (<i>Article L1225-19</i>); may shift <i>prenatal</i> to <i>postnatal allocation</i> .	France gives mothers the autonomy to determine their own leave distribution.
Additional Leave Policy	There is no additional maternity leave scheme integrated with insurance yet.	<i>Congé de naissance</i> (Starting 2026); additional 3 months with a payment scheme of 70%-60% of net salary	France is moving towards a more accommodating policy towards the role of parents (fathers and mothers)
Mandatory Medical Examination (<i>Prenatal</i>)	There is no specific regulation regarding the number of mandatory inspections that are guaranteed by the permit.	7 mandatory inspections (<i>Article R2122-1 Code de la santé publique</i>).	France strictly synchronizes work laws with national medical standards.
Mandatory Rest (<i>Medical Constraint</i>)	There is no absolute prohibition on working if the worker is willing/agrees.	Prohibited from working for a total of 8 weeks, and absolutely 6 weeks after birth (<i>Article L1225-29</i>).	In France, post-natal rest is a legal obligation for health reasons, not just an option.
Leave pay system	Full burden on the employer	Social Security System	France uses a social risk redistribution

	(Company). This provision is stated in Article 93 of Law No. 13 of 2003 concerning Manpower which explains that wages are not paid according to Article 93 paragraph (1) of Law No. 13 of 2003 concerning Manpower, if the worker/laborer does not do the work, but does not apply to Article 93 paragraph (2) letter c which explains that the employer is obliged to pay wages if the worker/laborer does not come to work because the worker/laborer gets married, marries, is circumcised, baptizes his/her child, his/her wife gives birth or has a miscarriage, his/her husband or wife or child or son/daughter-in-law or parent or parent-in-law or family member in the same house dies;	(Assurance Maladie/CPAM). Regulated in Article L331-3 Code de la sécurité sociale (Social Security Code) which states that During the period beginning six weeks before the expected date of confinement and ending ten weeks after the date of confinement and ending ten weeks after the date of said confinement, the insured woman receives a daily rest allowance provided that she stops all paid work during the benefit period and for at least eight weeks.	system, so companies are not burdened with the cost of leave salaries.
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The comparison table above demonstrates the differences in the maternity protection architecture adopted by the two countries. In Indonesia, protection still relies heavily on the industrial relationship between employers and employees. This is evident in the rigid duration of maternity leave and the wage rate, which falls entirely on the company's financial shoulders. In this model, employers

independently bear the financial burden of paying full wages during the leave period, which, according to a 2026 World Bank report (Simanjuntak, 2026) , actually triggers "*unintended consequences*" in the form of recruitment discrimination. The opposite occurs in France, where, through its *code du travail* and welfare state schemes, maternity rights have been successfully separated from the burden of company operational costs. By shifting wage payments to the social insurance system through *the Indemnités Journalières* (Daily Allowance), France eliminates the economic rationale for employers to discriminate against women. This effectiveness is supported by a high degree of legal certainty, where the duration of leave is not only administrative but also medical.

Analysis of the table also shows that France has gone further by integrating fathers' roles through paternity leave, the duration of which is much more progressive (25-32 days) than Indonesia (2-5 days). This system effectively creates a balance in the domestic burden, so that the burden of caregiving no longer solely falls on female workers. This provides an important legal lesson for Indonesia: that the effectiveness of maternity protection is determined not only by the length of leave days stipulated in the law, but also by the presence of the state in distributing financial risks and providing a legal infrastructure that guarantees the sustainability of workers' careers after childbirth (Antunez, 2019) .

d. Analysis of the Effectiveness and Identification of Legal Ambiguities in the Protection of Maternity Leave Regulations for Working Mothers in Indonesia-France

Legally, the definition of a worker or laborer in Indonesia is expressly regulated in Article 1 number 3 of Law No. 13 of 2003 concerning Manpower. In this provision, a worker/laborer is defined as a person who works for wages or other forms of compensation. This definition positions workers as legal subjects who carry out productive activities under the direction of another party in an employment relationship. Status as a worker is determined not only by the physical or mental activity performed, but also by the existence of a wage element, which is a subjective right for services rendered to the employer (Johanis, 2021) .

The existence of a worker cannot be separated from the concept of an employment relationship which includes three fundamental elements, namely the existence of work, orders, and wages. Based on Article 1 number 15 of Law No. 13 of 2003 concerning Manpower, an employment relationship is a relationship between employers and workers/laborers based on an employment agreement. This definition implies that the position of workers in employment law is a position that requires special protection due to their economic and legal dependence on the employer (Lubis & Rismilda, 2019) . In addition, workers' rights are also regulated in several regulations in Indonesia. One of them is the right to work and a decent income in accordance with humanitarian principles as regulated in Article 4 of Law No. 13 of 2003 concerning Manpower. This provision emphasizes that employment development is not only aimed at meeting the technical needs of the labor market, but has a broader mandate in providing distributive protection to realize physical and spiritual well-being. Therefore, recognition of worker status is a key factor in fulfilling other normative rights, including the right to health protection, occupational safety, and maternity social security for female workers.

The definition of a worker is also often linked to standards adopted by *the International Labour Organization* (ILO). The ILO views workers as individuals

engaged in formal or informal employment relationships who have the right to decent work . (International Labour Organization, 2000) . A comprehensive understanding of the definition of a worker is crucial for effectively identifying who is entitled to maternity leave protection. Without clarity about their legal status as a worker, an individual will lose access to state protection, as is the case with many women workers in the informal sector who are often not administratively registered but actually perform significant economic functions.

Female workers occupy positions that require specific and affirmative protection. This need for special protection is not based on the assumption of physical weakness, but rather on the recognition of biological and reproductive functions unique to women, such as menstruation, pregnancy, childbirth, and breastfeeding. Philosophically, protection for female workers aims to prevent gender-based discrimination in the workplace, while ensuring that the implementation of reproductive functions does not hinder female workers from actively participating and achieving equality in the workplace (Yanti & Rosa, 2025) .

The pinnacle of reproductive protection in the right to maternity leave is regulated in Article 82 of Law No. 13 of 2003 concerning Manpower. Article 82 of Law No. 13 of 2003 concerning Manpower explains that female workers have the right to rest for 1.5 months before giving birth and 1.5 months after giving birth, as well as the right to rest for 1.5 months for those who experience a miscarriage. In line with legal developments to support maternal and child health, this right is now expanded through Article 4 paragraph (3) of the 2024 KIA Law which opens up space for extending maternity leave to a maximum of 6 (six) months under special conditions. Furthermore, this post-natal protection is also regulated in the right to lactation through Article 83 of Law No. 13 of 2003 concerning Manpower which explains that "Female workers/laborers whose children are still breastfeeding must be given the appropriate opportunity to breastfeed their children if this must be done during working hours." This requires employers to provide special opportunities or time for female working mothers to breastfeed or express breast milk during working hours. (Nur Fadhila, Fikha Ruhana, 2023) . Overall, the series of articles emphasizes the absolute (*mandatory*) *obligation* for employers to accommodate the biological needs of female workers without reducing their economic rights, including ensuring that wages are paid in full during the period of exercising these reproductive rights.

The analysis of the effectiveness of maternity leave protection in this study was conducted using a comparative legal approach (*Jackson* , 2012) . The use of a comparative method aims to identify the differences, similarities, and advantages of the legal systems in Indonesia and France. The use of legislative, conceptual, and comparative approaches is crucial to dissecting how two different legal systems respond to the urgency of protecting women's reproductive rights. Through functional theory in comparative law, we can see that although Indonesia and France have the same goal—namely, ensuring the welfare of mothers and children, the policy instruments chosen can produce different levels of effectiveness in practice. This approach allows us to identify regulatory gaps in Indonesia by reflecting on the success of the more established French *welfare state system* in managing social risks.

The main problem in the effectiveness of maternity leave protection in Indonesia lies in the duration of leave provided to working mothers. In Indonesia,

although the 2024 Child and Child Protection Law attempts to extend the duration of maternity leave to six months, its implementation remains very rigid and administrative. Female workers can only obtain additional time if they can prove special health conditions or problems with their babies through a valid medical certificate. Medically, reliance on clinical evidence is considered less than ideal because it fails to consider the psychological burden and biological adaptation needs of postpartum mothers, which are universal for all working mothers. The current standard duration of three months is often considered too short for mothers to achieve full recovery and optimal exclusive breastfeeding before returning to full work. Focusing on the effectiveness of protection in Indonesia currently faces significant challenges, particularly regarding the duration of leave, which is considered less than medically ideal. According to the journal " *Length of Maternity Leave Impact on Mental and Physical Health of Mothers and Infants*, " (Whitney et al., 2023) , a duration of 12 weeks or 3 months is the effective minimum limit for maternal recovery after childbirth, while a duration of 6 months (26 weeks) is the ideal standard for reducing the risk of postpartum depression. In Indonesia, although the 2024 Child and Child Health Law has been passed, the right to leave up to 6 months is not absolute because it requires medical proof. This reliance on clinical evidence ignores findings in *the Journal of Health, Politics, and Laws* which stated that mothers who take leave for less than 6 months have a linearly higher risk of mental health problems.

The lack of effective protection in Indonesia is partly rooted in the inconsistency between old and new regulations (Arisandi & Afifah, 2025) , there is disharmony between Law No. 13 of 2003 concerning Manpower and the 2024 KIA Law. Although the 2024 KIA Law seeks to extend the duration of leave to six months, its implementation is often neglected. This is exacerbated by medical findings that the duration of maternity leave that is less than six months can linearly increase the risk of *postpartum depression* . However, the administrative procedures for obtaining additional leave in Indonesia are still very bureaucratic because they require proof of special medical conditions (Nursanti et al., 2025) .

The real impact of this regulatory ineffectiveness is reflected in the unequal national employment structure. According to World Bank data (Simanjuntak, 2026) , 91.4% of working women in Indonesia are relegated to the informal sector. This phenomenon results in the majority of female workers losing access to maternity leave benefits, which are guaranteed by law, because such protection only effectively reaches the formal sector. Therefore, the World Bank recommends a policy architecture overhaul through the establishment of a dedicated Maternity Insurance Fund, funded collectively through moderate contributions from employers and employees. Without a reform of the financing system that shifts the wage burden from companies to the social security system—as has long been implemented in the French *welfare state model* —protection efforts in Indonesia will remain caught in a dilemma between fulfilling constitutional rights and stable corporate cash flow. A shift towards a collective funding design is essential so that maternity leave no longer serves as an excuse for employers to discriminate, but rather becomes a nationally supported social responsibility to create a more stable and inclusive female workforce participation.

This reality has sparked criticism from the industrial sector, as affirmed by the West Java chapter of the Indonesian Employers' Association (APINDO) (Kusumah, 2024) , which openly stated its support for the government's efforts to

ensure the welfare of mothers and children, especially during the first thousand days of life. "This step is in line with the national program to reduce the prevalence of stunting, and we strongly support it," said the Chairperson of APINDO West Java, Ning Wahyu Astutik. However, APINDO also demanded clarity regarding the definition of "special conditions" to avoid multiple interpretations. The indicator of the phrase "special conditions" is considered crucial for companies to implement regulations appropriately, including regarding specialist doctors who serve as referrals for pregnant women. Employers argue that the additional leave period, burdened by the company's cash flow, could disrupt operational stability and industrial competitiveness. Consequently, this protection policy is risky and burdensome on productivity and triggers discrimination in the recruitment of female workers. Companies also need to recruit and train new workers to replace those on leave, incurring additional costs. With the ratification of the 2024 Child Protection Law, APINDO hopes to strike a balance between protecting female workers and ensuring business continuity. In this context, the business community hopes for a precise balance so that protection for female workers does not compromise the sustainability of industrial operations. This dilemma between rights protection and economic stability is a turning point in examining how France has successfully harmonized these two interests through strong state intervention.

The effectiveness of maternity leave protection in France reflects the success of the *welfare state system* in transforming reproductive rights from mere absence leave to an essential public health instrument. According to Marie-Pierre Rixain (RIXAIN et al., 2018), maternity leave in France is seen as a "social conquest" (*conquête sociale*) whose goal is to ensure effective protection for all women regardless of their professional status. While in Indonesia, additional leave duration is still hampered by rigid medical bureaucracy, France provides certainty of a highly variable and automatic duration. As regulated in detail in *Article L1225-17*, the duration of leave is regulated progressively from 16 weeks to 46 weeks for the birth of triplets, where the state grants full autonomy for mothers to shift part of the prenatal leave period to the postnatal period (*report de congé*) to optimize physical recovery and *bonding* with the baby (Heungsoon, 2024).

The key to ensuring the effectiveness of this long-term period—and addressing productivity concerns frequently voiced by employer organizations like APINDO in Indonesia—is shifting the financial burden to the social insurance system (*Assurance Maladie*). In France, companies do not view maternity leave as a burden on cash flow because workers' wages are not paid by the employer, but rather through daily allowances (*indemnités journalières*) that cover up to 100% of full salary in the public sector and most formal sectors. This creates progressive stability; data from the 2016 DRESS Barometer shows that almost all mothers in France take their leave entitlement universally without fear of career discrimination. This funding certainty removes the economic disincentive for companies to retain female workers, thus maintaining stable and high-quality female workforce participation (Antunez, 2019).

The effectiveness of this protection extends beyond the figures on paper, but is internalized down to the micro-policy level of companies. The disciplined integration of *the Code du travail (Travel Code)* and *the Code de la santé publique (Public Health Code)* ensures that every stage of pregnancy receives concrete medical support, including seven mandatory prenatal check-ups, for which permission is guaranteed by law without salary deductions. Accumulatively,

through strong regulatory synchronization and an independent social insurance scheme, France has successfully demonstrated that maximum reproductive protection is a social investment that benefits the business sector. This model addresses the failure of the *employer-liability system* in Indonesia, which, according to the World Bank, actually fuels discrimination. By placing the burden of responsibility on the collective state, France ensures that every working mother can undergo an ideal six-month recovery period without sacrificing family economic stability or national industrial productivity.

The effectiveness of social security in France is currently hampered by the long-term economic impact of the so-called motherhood *penalty*. Based on empirical data from *the Institute According to a study* by Dominique Meurs and Pierre Pora (Meurs & Pora, 2021), the birth of a first child linearly triggers a 40% decline in total wage earnings for women in the first year after birth. This downward trend continues into a long-term annual wage penalty of 30% due to career interruptions and reduced working hours, so that the gender wage gap in France remains stuck in the range of 20% to 22.3%. This condition is exacerbated by a social infrastructure crisis in the form of a scarcity of public early childhood care facilities (*crèches*), which experience a shortage of up to 160,000 to 200,000 places. Due to the lack of access to affordable care, approximately 47% of mothers are forced to reduce or stop their professional activities completely in the first year after giving birth, in contrast to the group of fathers who are only affected by 6%. This obstacle triggers psychological vulnerability, where 15% to 20% of mothers in France experience postpartum depression, the peak of which occurs right when their leave period ends and they are forced to return to the professional work ecosystem.

To address the demographic crisis resulting from the birth rate falling to its lowest point since World War II in 2024, the French government is taking corrective action through a reform of social security law planned for the 2025–2026 period. This reform officially introduces a new “Maternity Leave” (*congé de naissance*) policy to replace the old parental leave scheme (PreParE), which was deemed too low (€429 per month) and often became a poverty trap for lower-class working women. Implemented from 2026, this new maternity leave provides a non-transferable individual right for each parent to take an additional 2 to 3 months of leave. The daily allowance paid by Social Security under this new scheme is increased to 50% of net salary, with a maximum limit of €1,900 per month. While these reforms offer a breath of fresh air for a more egalitarian sharing of caregiving responsibilities, their implementation at the corporate level remains challenged by a 10 billion euro cut in national social budgets by 2026, including a 50 million euro reduction in solidarity and equal opportunities programs that could potentially widen the social precarity of female workers (Fonds, 2026).

In contrast to the established French system, Indonesia's positive legal framework remains ambiguous *and* inconsistent, significantly weakening the substance of protection for female workers. This apparent ambiguity is most evident in the formulation of the 2024 Child and Child Protection Law. Although the law progressively provides for the extension of maternity leave to up to six months, this right is conditional. To obtain the additional three months of leave, female workers must overcome administrative obstacles in the form of the requirement to prove “special conditions,” such as health problems or post-partum medical complications for the mother or child.

This bureaucratic constraint on reproductive rights is exacerbated by the requirement to attach an official medical certificate, the verification of which is often time-consuming and administratively complex. Consequently, rather than guaranteeing welfare, this provision places female workers in a vulnerable position, having to negotiate independently with company management, which tends to prioritize operational efficiency. When this medical evidence is deemed insufficient to meet the employer's subjective standards, the protection orientation is automatically reduced to the conventional rule in Article 82 of Law No. 13 of 2003 concerning Manpower, which stipulates a maximum maternity leave duration of three months. This basic duration is medically considered less than ideal because it can increase the risk of *postpartum depression* and failure to provide exclusive breastfeeding due to a too short recovery period. In addition to the issue of unclear norms regarding the requirements for extending leave, the regulation of maternity leave rights in Indonesia also shows disharmony and conflicting norms between national instruments and international standards. Based on the provisions of Law No. 13 of 2003 concerning Manpower, the duration of maternity leave in Indonesia is set at three months (12 weeks). This provision conflicts with the minimum global maternity protection standards set by ILO Convention 183, which stipulates a minimum maternity leave period of at least 14 weeks. This lack of synchronization between national regulations and international conventions confirms a substantial gap that indicates that the guarantee of legal certainty and protection for female workers in Indonesia is not yet fully aligned with universally recognized maternal health standards (Organization, 2018).

The impact of the antinomy of norms, or a situation that describes two contradictory yet equally logical principles and rules between Law No. 13 of 2003 concerning Manpower and the 2024 Child and Child Protection Law, creates an exploitative legal loophole. As long as derivative regulations that should be synchronized with both laws have not been established, industry players have the legal legitimacy to continue to apply the minimum standard of 3 (three) months to avoid the financial consequences of the *employer-liability model*. The identification of this inconsistency proves that legal regulations in Indonesia do not yet view maternity protection as a universal human right inherent to female workers, but rather as a conditional right whose realization is hampered by bureaucratic barriers and regulatory uncertainty.

2. The urgency of legal arrangements regarding maternity leave protection for female workers in Indonesian legislation to ensure the health of working mothers.

Maternity protection in Indonesia is fundamentally urgent, not only as a form of human rights protection, but also as an investment in the health of future generations and a guarantee of women's continued participation in the economic sector. As a country that has not fully ratified CEDAW, Indonesia is legally bound by international commitments to eliminate all forms of discrimination against women in the employment sector, including guaranteeing the right to full-pay maternity leave without job loss (Milawati et al., 2023). Women have a unique reproductive function and directly contribute to the continued existence of the state. Therefore, fulfilling maternity rights is not a "privilege" or a social burden, but rather a fundamental obligation that must be fulfilled by the state as part of the right to decent and humane work (Alya Putri Abi, 2024).

De facto, in the international legal order, fundamental questions arise regarding Indonesia's compliance with global standards, particularly according to the standards of ILO Convention 183 of 2000, synchronization between regulations and implementation still faces major obstacles at the operational level. When compared with ILO Convention 183 (International Labor Organization, 2000) which sets a minimum standard of 14 weeks of maternity leave with funding through mandatory social insurance schemes or public funds, Indonesian positive law in Law No. 13 of 2003 concerning Manpower actually still sets the duration of maternity leave at 3 months (12 weeks) and still preserves the *employer-liability system*. The fundamental weakness of this system is the absolute dependence on the financial capacity of each corporation, which automatically triggers employers to view female workers as "obstacles" rather than sovereign human resources.

The most fundamental problem in the legal protection of maternity leave in Indonesia stems from its inadequate duration, far from the ideal standard of recovery. Based on the normative provisions of Law No. 13 of 2003 concerning Manpower, the right to maternity leave for female workers is regulated for 3 months (12 weeks) with a duration of leave divided into 1.5 months before giving birth and 1.5 months after giving birth. This very short time allocation gives rise to serious health problems, considering that the childbirth process requires a comprehensive physical and psychological recovery period to prevent clinical complications such as postpartum depression (Zubaran et al., 2010).

Medically, the Indonesian labor law's view of dividing maternity leave into two parts (1.5 months before delivery and 1.5 months after delivery) reflects a narrow understanding of the biological process of childbirth. The postpartum period (Dagher et al., 2014) clinically requires a minimum of 6 to 8 weeks simply to restore the mother's reproductive organs and physical anatomy to their original condition. However, complete biological recovery, hormonal stability, and healing from childbirth trauma (whether normal delivery or *Caesarean section*) often require even longer. When the law forces a female worker to return to work less than 2 months after giving birth, the state indirectly allows biological exploitation that increases the risk of maternal morbidity or health problems.

The psychological impact of a short leave period is equally destructive. The dual pressure to immediately return to public productivity while hormonal levels remain unstable triggers high rates of *baby blues* (Koenarso et al., 2024). This, if ignored due to work demands, can develop into *postpartum depression*. The urgency of legal regulations that provide longer maternity leave durations is based on the empirical need to build a psychological bond *between* mother and child. When labor regulations ignore this aspect, the law no longer functions as an instrument of humanitarian protection but instead becomes a tool of repression or oppression that diminishes the role of working mothers.

The urgency of legal regulation regarding maternity leave protection in Indonesia is no longer merely a matter of fulfilling labor rights, but has become a key pillar in guaranteeing the right to public health. There is a conflict between labor law policies and national health law policies. Adjusting the duration of leave is even more crucial when viewed from the perspective of the lengthy recovery period. Medically and psychologically, the process of childbirth brings massive physical and psychological changes, so female workers require comprehensive recovery time. This need for recovery synergizes with the mandate of Law No. 17 of 2023 concerning Health, which expressly mandates exclusive breastfeeding for the first six months. This health

mandate will be impossible to fulfill if working mothers are forced to return to work within just three months of giving birth. Non-compliance with the ILO Convention 183 standard, which stipulates 14 weeks of maternity leave, does not automatically result in binding international sanctions for Indonesia, given that the convention has not been specifically ratified as national law. However, the absence of formal sanctions does not necessarily justify the application of lower protection standards. This lag indicates that Indonesia's employment policies are still less than ideal and tend to prioritize economic rationality over worker health. Ironically, this situation contradicts the commitments made under CEDAW (Pramesti et al., 2021) . Providing adequate maternity leave should be a concrete manifestation of the state's commitment to eliminating all forms of gender-based discrimination in the workplace, so that women do not have to choose between their reproductive health and their professional careers.

Despite the freedom from formal legal sanctions, the absence of ratification has created a "reputational sanction" internationally and demonstrates the government's inconsistency in protecting female workers with existing maternity leave regulations. The government tends to fall into the trap of defending national regulations as "sufficient," regardless of their effectiveness in practice. The failure to adopt a minimum standard of 14 weeks of maternity leave confirms that national employment policy remains suboptimal and structurally justifies the implementation of lower protection standards to accommodate macroeconomic calculations. This situation places Indonesia in a contradictory position: on the one hand, it wants to eliminate gender discrimination, but on the other, it allows domestic regulations to subordinate women's reproductive functions to the interests of the economic market.

Responding to these dynamics, the government has passed the 2024 Child and Child Protection Law, which allows for the extension of maternity leave to six months. The possibility of extending maternity leave to six months in the 2024 Child and Child Protection Law is legally ambiguous because its implementation is not automatic, but rather conditional on the bureaucratic proof of "special medical conditions." This situation is further exacerbated by complaints from companies that the extension of maternity leave requires companies to pay the extended leave wages using company funds (Moeliono & Indriyani, 2023) .

The ineffectiveness of current maternity leave regulations also stems from weak law enforcement *and* sanctions that do not provide a deterrent effect. Labor inspection mechanisms in Indonesia often fail in their implementation due to the limited number of field inspectors and the widespread permissive culture towards violations of women's normative rights (Azzahro & Setianingsih, 2024) . The ratio between the number of labor inspectors and the number of actively operating companies is very unbalanced, making the preventive supervision function almost impossible to carry out optimally. Violations of maternity leave rights, withholding wages during leave, and unilateral layoffs during pregnancy are often resolved through conventional industrial relations disputes that take a long time. Female workers who are in a psychologically vulnerable position after giving birth tend to choose to receive wages or resign voluntarily rather than face the tedious litigation process. This tends to prove that without legal reforms (Angel Nikhio et al., 2023), including strict warnings against corporations that discriminate against pregnant women, health insurance for working mothers will not be achieved.

This state of economic vulnerability directly undermines the very purpose of health protection. Due to pressures from the work environment and the threat of income loss, many female workers are forced to cut short their recovery time and return

to work immediately, even though their physical and psychological condition is not yet fully stable. This compulsion carries a high risk of triggering postpartum medical complications and thwarting exclusive breastfeeding. Demands for legal reform in Indonesia are no longer simply a matter of increasing the number of days or months in the maternity leave text, but also require a reexamination of the pay financing model. Therefore, the most urgent need for restructuring regulations regarding maternity leave in Indonesia is the urgent need to synchronize labor law with the social security system in an integrated manner. If the demands of society and the state to produce a healthy next generation are placed entirely at the expense of female workers' careers and employers' cash flow, then maternity leave protection will only lead to women's exclusion from the formal labor market. Legislation must be reformed immediately so that maternity leave financing is taken over by state-managed social insurance schemes, for example by optimizing the establishment of a special maternity insurance fund. With this mutual cooperation-based collective financing mechanism, companies no longer need to bear the full burden of workers' wages while workers are on leave, because these wages have been covered by public social security funds, in accordance with the standards of ILO Convention 183. This step will eliminate the negative stigma against female workers, equalize gender positions in the labor market, and most importantly, ensure that women's reproductive functions are no longer punished by labor market competition but are fully protected as a form of collective social responsibility (Deriabina, 2022) .

CLOSING

The regulation of maternity leave rights for female workers in Indonesia demonstrates that the state has provided legal protection through Law Number 13 of 2003 concerning Manpower and Law Number 4 of 2024 concerning Maternal and Child Welfare. However, these two regulations do not fully provide legal certainty due to differences in the duration of leave, implementation mechanisms, and conditions for leave extensions. On the one hand, the Manpower Law stipulates a 3-month maternity leave period, while the KIA Law allows for extensions of up to 6 months under certain conditions. This situation demonstrates that legal protection in Indonesia already exists, but still needs to be harmonized to be clearer, more consistent, and easier to implement for both workers and employers . A comparison with France shows that the country's maternity leave regulations are more flexible, more detailed, and supported by a robust social security system. Through *the Code du travail* , specifically *Articles L1225-17 and L1225-18* , France regulates maternity leave with a duration that can be adjusted based on the condition of the pregnancy and the number of children, thus making protection for female workers more adaptive to the needs of maternal recovery and child welfare. Based on this comparison, it can be concluded that Indonesia needs to strengthen its maternity leave regulations so that they not only recognize rights normatively, but also guarantee legal certainty, health protection, and more effective implementation in employment practices.

The urgency of legal regulation regarding the reconstruction of the ideal duration of maternity leave in Indonesia rests on the fulfillment of substantive reproductive health rights and urgent postpartum medical protection *for* female workers. Suboptimal leave duration has been proven to significantly hamper the physical and hormonal recovery of mothers, increase the risk of psychological disorders such as postpartum depression, and reduce the success rate of exclusive breastfeeding for children, which is a basic right during their developmental phase. The Indonesian government needs to carry out comprehensive reform of labor law that focuses not only on the absolute extension of maternity leave duration, but also reform the financing

scheme by shifting the sole burden from employers to an integrated state-based collective social security system, to ensure legal certainty, the health of working mothers, and the creation of a safe and gender-equitable work environment.

CONCLUSION

Based on the analysis that has been carried out, the following conclusions can be drawn:

1. The regulation of maternity leave rights for female workers in Indonesia has essentially provided normative recognition of the protection of working mothers, both through the Manpower Law and the Child Protection Law. However, these regulations still do not fully create legal certainty due to differences in norms, particularly regarding leave duration, implementation mechanisms, and leave extension requirements. Furthermore, the burden of protection that is still largely placed on employers means that maternity leave rights are not always optimally enjoyed by female workers. From these findings, it can be understood that the essence of maternity leave protection in Indonesia lies not only in the existence of written regulations, but also in the clarity of norms, consistency of regulations, and the effectiveness of their implementation to truly ensure the health of mothers and children.
2. Comparisons with France show that the country provides more comprehensive maternity leave protection through its *Code du travail*, specifically *Articles L1225-17* and *L1225-18*, which regulate leave duration more flexibly and adapt it to specific conditions, such as multiple births or the number of children. This system is also supported by strong social security, so that protection for female workers is not only normative but also effective in practice. Based on this comparison, the key findings of this study indicate that an ideal maternity leave protection model needs to combine legal certainty, regulatory flexibility, and financial support that is not entirely borne by employers. Therefore, strengthening maternity leave regulations in Indonesia is crucial to realizing fairer, more certain, and more appropriate protection for female workers in accordance with their postpartum recovery needs.

SUGGESTIONS

The government and legislative bodies are advised to immediately harmonize the provisions on maternity leave duration in the Manpower Law with the mandate for exclusive breastfeeding in the Health Law, in order to guarantee an absolute extension of recovery time without bureaucratic conditions that burden female workers. Furthermore, to eliminate normative ambiguity, the government is urged to immediately issue a Government Regulation with legal certainty to explicitly formulate clinical indicators that fall under the category of "special conditions" as a requirement for extending maternity leave to six months, including parameters for *postpartum depression*. This clear normative limitation is crucial to closing the gap for unilateral discretion by company management so that female workers' rights to obtain extended leave duration can be implemented effectively without structural obstacles in the realm of industrial relations. Employers are advised to reconstruct by no longer viewing leave as a financial burden or loss of operational working hours, but rather as a long-term investment in the productivity and quality of human resources. Companies are urged to be adaptive and cooperative by supporting ideal maternity protection in Company Regulations (PP) or Collective Labor Agreements (PKB) in a clear and non-discriminatory manner. It is recommended that female workers improve their legal literacy and normative awareness regarding their reproductive rights, particularly regarding updates to the current maternity leave regulations. Female workers should be proactive in understanding administrative procedures

and meeting the required medical documentation if they require extended leave due to specific circumstances, to avoid potential industrial relations disputes with management.

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